



## Legislation Text

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Minutes from the City Council meeting on November 5, 2001

**PUBLIC HEARING 6:10 P.M.** - A public hearing was conducted regarding the adoption of an ordinance authorizing the issuance of not to exceed \$225,000,000 principal amount of industrial development revenue bonds on application of Nestle USA - Prepared Foods Division, Inc. Dr. Richard Wang who resides at 101 University Drive, pointed out the industry would have no responsibility for real property tax. Mayor Brodell responded saying under a bond issue, industries pay in lieu of taxes, and the property remains in the name of the city until the bonds are paid off. Dr. Wang stated this was the third industry to use the ad valorem (in lieu of taxes) formula to locate in the Nettleton School District. He explained his daughter is a fourth grader in the Nettleton School District and expressed concern that the school district was not being provided for. Mayor Brodell requested Mr. Henry Jones, of the Chamber of Commerce to address Dr. Wang's comments. Mr. Jones stated an agreement in lieu of taxes had been reached and signed by the Nettleton School Superintendent, Tax Assessor, Tax Collector, and other County and City Officials. Dr. Wang asked the terms of the agreement, and was told the school superintendent could provide a copy of the agreement. Dr. Wang explained he had requested a copy of the agreement, but had been denied until the City Council signs off on the bond issue. He stated the industries are placing an increased burden on the schools but paying very little.

**PUBLIC HEARING 6:15 P.M.** - A public hearing was conducted regarding the adoption of an ordinance authorizing the issuance of not to exceed \$35,000,000 principal amount of industrial development revenue bonds on application of Millard Refrigerated Services. No opposition was voiced.

CITY COUNCIL MINUTES - November 5, 2001

The Jonesboro City Council met Monday, November 5, 2001, at 6:30 p.m. A full quorum was in attendance. Present were: Mayor Brodell, City Attorney Phillip Crego, City Clerk, Donna K. Jackson, and eleven council members. Those members were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Perrin was unable to attend.

Councilman Rega moved, seconded by Councilman Roddy to approve the minutes of October 15, 2001, as previously delivered. A voice vote was taken resulting in all members voting aye. Those members were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy.

Mayor Brodell presented a "Certificate of Appreciation" to the Jonesboro American Legion for work done on the newly erected Veteran's Monument located on Main Street. He thanked them for their service both past and present to the community and to our country.

Mayor Brodell recognized Boy Scout Troops 69 and 4 and welcomed them to the Jonesboro City Council.

Councilman Moore offered the following ordinance for first reading:

ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PURPOSE OF FINANCING CERTAIN INDUSTRIAL FACILITIES; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JONESBORO, ARKANSAS AND MILLARD REFRIGERATED SERVICES, INC.; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

Councilman Rega moved, seconded by Councilman Tate to suspend the rules and place on second reading. A voice vote was taken

resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Kelton moved, seconded by Councilman Moore to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Young moved, seconded by Councilman Roddy for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Copeland moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The ordinance was assigned ordinance number 3328.

Councilman Rega offered the following ordinance for first reading:

ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR THE PURPOSE OF FINANCING CERTAIN INDUSTRIAL FACILITIES; AUTHORIZING A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF JONESBORO, ARKANSAS AND Nestle USA - PREPARED FOODS DIVISION, INC; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

Councilman Young moved, seconded by Councilman Crockett to suspend the rules and place on second reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Rega moved, seconded by Councilman Crockett to further suspend the rules and place on third and final reading. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Copeland moved, seconded by Councilman Young for the adoption of the ordinance. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. Councilman Rega moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The ordinance was assigned ordinance number 3329.

Councilman Crockett moved, seconded by Councilman Young for the adoption of a resolution requesting City Water and Light to provide free lighting for the entire Joe Mack Campbell Park located at 3305 Dan Avenue, and for street-lights at the Jonesboro Landfill located at 1620 Strawfloor Road. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned number 2001:64.

Council reviewed the following millage resolutions:

Fire Pension Fund - Councilman Kelton moved, seconded by Councilman Moore for the adoption of the Fire Pension Fund millage resolution. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned number 2001:61.

Police Pension Fund - Councilman Moore moved, seconded by Councilman Crockett for the adoption of the Police Pension Fund millage resolution. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned number 2001:62.

Public Library Tax - Councilman Crockett moved, seconded by Councilman Roddy for the adoption of the Police Pension Fund millage resolution. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned number 2001:63.

Under new business, Mr. Bill Ebbert apologized for failing to point out two years ago that property was not being inspected by the city. He thanked councilmen for their recent efforts to keep minutes of their committee meetings according to state law. He asked the question who made the decision in 1998 to discontinue the rental of dumpsters owned by the City of Jonesboro. He stated according to the Jonesboro City Council minutes, the Jonesboro City Council did not make the decision to discontinue the rental of dumpsters nor did the Sanitation Committee. Mr. Ebbert stated there had been a loss of \$105,000 in revenue since the decision was made, and questioned who authorized it without the approval of the city council. Again Mr. Ebbert raised the issue of copy charges for Freedom of Information requests. He explained the Freedom of Information Act provides that upon request an individual shall be provided justification of the charges for copies. For the record, Mr. Ebbert requested written justification of the thirty cents a page for his last

Freedom of Information request. Councilman Moore asked about Mr. Ebbert's dumpster. Mr. Ebbert responded saying he had purchased a dumpster, but the Sanitation Department made the decision to haul it off and replace it with a city owned dumpster. Mr. Ebbert explained his concern however, was the decision to do away with dumpster rental fees totaling \$105,000 in lost revenue. He asked who made the decision because he knew the City Council did not vote on it and the Sanitation Committee Chair had told him that he did not know. Councilman Moore asked if the City of Jonesboro was collecting rent on dumpsters at the present time. Mayor Brodell responded saying the cost of the dumpster is included in the rental fee. He further explained the Sanitation Committee made the decision because they were trying to compete with outside competitors. Councilman Roddy (Sanitation Chairman) agreed with Mayor Brodell. Mayor Brodell stated the information had been provided to Mr. Bill Ebbert in a Freedom of Information request, but Mr. Ebbert had refused to pick it up. Mr. Ebbert stated competitors give credit to customers who own dumpsters, but the City of Jonesboro does not. Councilman Tate disagreed saying he purchased his dumpster prior to Waste Management going in to business, but is charged the same price as everyone else.

Mr. George Cattlet was on the agenda to address the Jonesboro City Council regarding the property located at Main and Nettleton, but was unable to attend due to a family illness.

Councilman Tate moved, seconded by Councilman Moore to accept the recommendation of the Street Committee to appropriate \$60,000 for the Jonesboro Main Street Enhancement Program, with the money to come from the 1% sales tax fund and to accept the low bid meeting bid specifications from Tate General Contractors. Mr. Tate explained a grant for \$999,825 was being awarded by the Arkansas State Highway Department with City of Jonesboro obligated for 20% of the total grant. A voice vote was taken resulting in all members voting aye, with the exception of Councilman Tate who abstained from voting. Those members voting aye were: Kelton, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy.

Councilman Tate moved, seconded by Councilman Moore for the adoption of a resolution authorizing the City of Jonesboro to participate in an Arkansas Highway Transportation Grant for Main Street Enhancement, including the payment of 1% as AHTD administration fee (\$9,998.25 also coming from 1% tax). A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned resolution number 2001:65.

Councilman Tate moved, seconded by Councilman Crockett for the adoption of a resolution authorizing the Mayor and City Clerk to execute appropriate documents to convey to the Arkansas State Highway and Transportation Department property for construction of a road to Joe Mac Campbell Park. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned resolution number 2001:66.

Councilman Tate stated the Street Committee had discussed the matter of Cemetery Lane. He reported that Mr. Alec Farmer had blocked Cemetery Lane with trash and it was the recommendation of the Street Committee to instruct City Attorney, Phillip Crego to acquire an injunction in order to open the street. Councilman Tate moved, seconded by Councilman Province to accept the Street Committee's recommendation. Councilman Young questioned if every effort had been made to negotiate with Mr. Farmer. Councilman Tate responded saying at the last meeting held with Mr. Farmer, it was stated by Mr. Farmer that he would close the street. Councilman Tate provided council members pictures of the site. Mr. Farmer came forward and was recognized by Mayor Brodell. Mr. Farmer explained he wished to address accusation of illegal dumping and asked Councilman Tate when did he start taking minutes of his street committee meetings. Councilman Tate responded he began taking minutes about two or three months ago. Mr. Farmer responded saying it was Mr. Tate's word against his as to what conversations took place since no minutes were kept, and that he remembered things differently in that he tried to negotiate and work with the city. He stated he has tried for four years to work with the city by evidence of certified letters sent to Mayor Brodell that were never responded to. Mr. Farmer stated he had filed Freedom of Information requests that Mayor Brodell never responded to. He stated he offered compromises that were ignored. With regard to Mr. Farmer dumping trash, he explained motorists driving along the freeway had dumped the trash there and he merely moved it from one area of his property to another. Mr. Farmer stated he expected the City Administration to work with its citizens by responding to certified letters and Freedom of Information requests. Councilman Tate stated the motion was to instruct City Attorney, Phillip Crego to acquire an injunction in order to open the street. Mr. Farmer agreed the only way to settle the matter was to let the courts decide. Councilman Moore questioned if Mr. Farmer would allow the City to remove the trash and open up the street until the courts could reach a decision. Mr. Farmer responded that he would allow the City to remove the trash, but would not remove the cable until the court had reached a decision. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy.

Officer Doug Forman, of the Jonesboro Police Department addressed the Council stating for the last three years the City of Jonesboro had been awarded the Local Law Enforcement Block Grant (LLEBG). He explained the Federal Government through the Justice

Department in the amount of \$46,000.00 awarded the 2001 LLEBG. Officer Forman reviewed the three requirements of the grant, the first being the award itself, then acceptance of the grant, and finally making the announcement in a public meeting. He explained the grant would be used to purchase police equipment.

Councilman Young moved, seconded by Councilman Tate for the adoption of a resolution authorizing the Mayor and City Clerk to execute appropriate documents to effectuate an assignment of a lease from City Team Ministries to City Youth Ministries. A voice vote was taken resulting in all members voting aye. Those members voting aye were: Kelton, Tate, McCall, Young, Crockett, Rorex, Rega, Province, Copeland, Moore, and Roddy. The resolution was assigned resolution number 2001:67.

With no further business, the meeting was adjourned.